IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

Bail Appl..No. 133 of 2007()

OR 65/06 of Mukkali Forest Station, Attappadi Range

: PETITIONER/ACCUSED NO.2

SHAFAB, S/O.ABDUL SALAM,
AGED 19 YEARS, MATTANITHANAM, KOMMERI,
MANKAVU POST, KOZHIKODE.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENT: COMPLAINANT

THE STATE OF KERALA,
REPRESENTING FOREST RANGE OFFICER,
MUKKALI FOREST STATION, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No. 133 of 2007

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Dated this the 12th day of January, 2007.

ORDER

Petitioner, who is the second accused in OR No.65 of 2006 of Mukkali Forest Station, Attappadi Range for an offence punishable under Section 20(b)(ii) of the N.D.P.S. Act for allegedly having been found in possession of 3.55 kgs. of ganja on 22.11.2006 in contravention of the prohibition under Section 8(c) of the N.D.P.C. Act, seeks his enlargement on bail.

2. The learned Public Prosecutor opposed the application.

3. It is too early to accept the petitioner's contention that the contraband ganja was actually possessed by the first accused, who is the father-in-law and that he was not in conscious possession of the same.

4. I am not satisfied that both the grounds enumerated under Section 37(1)(b)(ii) of the N.D.P.S. Act are present in this case so as to justify the release of the petitioner.

This application is, accordingly, dismissed.

V.Ramkumar,

Judge.

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